

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**KAYLA BERDIS,**

**Plaintiff,**

**v.**

**Case No.: 8:23-cv-616-AAS**

**KILOLO KIJAKAZI, Acting  
Commissioner of Social Security  
Administration,**

**Defendant.**

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**ORDER**

Kayla Berdis moves for attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. (Doc. 15). The Commissioner does not oppose the motion. (*Id.* at p. 8).

Ms. Berdis requests \$1,456.68 in attorney's fees. The EAJA permits awards for reasonable attorney's fees and costs to a prevailing party against the United States. 28 U.S.C. § 2412. A May 22, 2023 order remanded the Commissioner's final decision under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 13). The Clerk entered judgment in Ms. Berdis's favor. (Doc. 14).

The Commissioner does not contest the following: Ms. Berdis is the prevailing party; the Commissioner's position was not substantially justified;

Ms. Berdis's net worth at the time of filing this proceeding was less than two million dollars; and Ms. Berdis's attorney's fees request is reasonable. A court should grant a Social Security claimant's request for attorney's fees when it is unopposed. *See Jones v. Colvin*, No. 8:13-CV-2900-T-33AEP, 2015 WL 7721334 (M.D. Fla. Nov. 30, 2015) (awarding unopposed attorney's fees request). Thus, Ms. Berdis is entitled to \$1,456.68 in attorney's fees.

Attorney's fees awarded to a claimant under the EAJA can be offset to satisfy the claimant's pre-existing debt to the United States. *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010). Following an order, the United States Department of the Treasury will determine whether Ms. Berdis owes a debt to the United States. Ms. Berdis assigned her rights to EAJA fees to her attorney. (Doc. 15-2). So, if Ms. Berdis has no federal debt, the United States will accept her assignment of EAJA fees and pay the fees directly to counsel.

Accordingly, Ms. Berdis's motion for attorney's fees under the EAJA (Doc. 15) is **GRANTED**. Ms. Berdis is awarded **\$1,456.68** in attorney's fees.

**ORDERED** in Tampa, Florida on August 14, 2023.



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AMANDA ARNOLD SANSONE  
United States Magistrate Judge